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PTO/ISB/21 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

9 + 3
References

Application Number

09/905,704

Filing Date

February 27, 2001

First Named Inventor

G. Scott HERRON

Group Art Unit

1645

Examiner Name

To Be Assigned

Attorney Docket No.

464362000300

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Assignment Papers
(for an Application)☐ After Allowance Communication to
Group☐ Fee Attached☐ Drawing(s)☐ Appeal Communication to Board of
Appeals and Interferences☐ Amendment / Reply☐ Licensing-related Papers☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ After Final☐ Petition☐ Proprietary Information☐ Affidavits/declarations☐ Petition to Convert to a
Provisional Application☐ Status Letter☐ Extension of Time Request☐ Power of Attorney, Revocation
Change of Correspondence Address☒ Other Enclosure(s) (please identify
below):☐ Express Abandonment Request☐ Terminal Disclaimer

1. Form PTO-1449 w/copy - 2 pages

☒ Information Disclosure Statement - 3
pages☐ Request for Refund2. Copy of International Search Report -
3 pages☐ Certified Copy of Priority Document(s)☐ CD, Number of CD(s) _____

3. Three (3) Cited References

☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

Remarks

4. Return Receipt Postcard

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm

Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018

or

Individual Name

Lisa A. Amli, Reg. No. 48,199

Signature

Date

January 8, 2003

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2003.

Kerry Keenan

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.



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JAN 14 2003

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PATENT
Docket No. 464362000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Assistant Commissioner for Patents, Washington, D.C. 20231, on January 8, 2003.


Kerry Keehan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

G. Scott HERRON

Serial No.: 09/905,704

Filing Date: February 27, 2001

For: IN VIVO ASSAY FOR ANTI
ANGIOGENIC COMPOUNDS

Examiner: To Be Assigned

Group Art Unit: 1645

INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicant submits for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report (copy attached) mailed on August 6, 2002 directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

Applicant would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

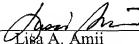
The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist;

(iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 464362000300. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: January 8, 2003

Respectfully submitted,

By: 
Lisa A. Amii
Registration No. 48,199

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5674
Facsimile: (650) 494-0792

Form PTO-1449		Docket Number 464362000300	Application Number 09/905,704
INFORMATION DISCLOSURE CITATION IN AN APPLICATION (Use several sheets if necessary.) RECEIVED JAN 14 2003 PATENT & TRADEMARK OFFICE		Applicant G. Scott HERRON	
		Filing Date February 27, 2001	Group Art Unit 1645
		Mailing Date January <u>8</u> , 2003	

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U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	12/26/2000	6,166,178	Cech et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	2.	09/28/2000	WO 00/56898	WIPO			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	3.	Yang, T. (2001). "Telomerized Human Microvasculature Is Functional In Vivo," <i>Nature Biotechnology</i> 19:219-224

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

PTO/SB/08 (2-92)
Sheet 1 of 1Form PTO/SB-08
(Rev. 10-1-99)INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

RECEIVED

Docket Number 464362000300

Application Number 09/905,704

Applicant

G. Scott HERRON

Filing Date February 27, 2001

Group Art Unit 1645

Mailing Date January 8, 2003

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U.S. PATENT DOCUMENTS

COPY

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DATE CONSIDERED:

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PTO/SB/08 (2-92)

Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

pa-753361

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 464362000340	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US02/06068	International filing date (day/month/year) 26 February 2002 (26.02.2002)	(Earliest) Priority Date (day/month/year)
Applicant HERRON, G. SCOTT		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 2 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. _____



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures

PATENT COOPERATION TREATY

COPY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
LISA A. AMII
MORRISON & FOERSTER LLP
755 PAGE MILL ROAD
PALO ALTO, CA 94304-1018

PCT

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference 464362000340	Date of Mailing (day/month/year) 06 AUG 2002
International application No. PCT/US02/06068	International filing date (day/month/year) 26 February 2002 (26.02.2002)
Applicant HERRON, G. SCOTT	

1. ☐ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 bis.1 and 90 bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US
Commissioner for Patents
Box PCT
Washington, D.C. 20231
Facsimile No. (703)305-3230
Form PCT/ISA/220 (April 2002)

Authorized officer

Eleanor Sorbello

Telephone No. 703-308-0196

resp. to search rpt.
8/2/02
50106/02-f
DOCKETED (T) 5/10/02-f

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US02/06068

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : A61K 49/00; A01N 63/00, 43/04

US CL : 424/9.2, 93.21; 514/44

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 424/9.2, 93.21; 514/44

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
USPATFULL, Derwent World Patent Index, Medline, biosis, embase, scisearch, caplus

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 00/56898 A1 (THE BOARD OF TRUSTEES OF THE LELAND STANFORD JUNIOR UNIVERSITY) 28 September 2000, see abstract, page 8, lines 16-20; page 19, lines 16-20; page 39, lines 11-30; page 40, lines 9-22; page 41, lines 13-21.	1-30
X	YANG, J., Telomerized human microvasculature is functional in vivo. Nature Biotechnology, March 2001, vol. 19, page 219-224, see abstract, page 219 col. 2, lines 1-6.	1-30
Y	US 6,166,178 A (CECH et al) 26 December 2000 (26.12.2000), see abstract, col. 119.	1-30

☐ Further documents are listed in the continuation of Box C.

☐ See patent family annex.

* Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier application or patent published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

"&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

30 May 2002 (30.05.2002)

Name and mailing address of the ISA/US

Authorized officer

Commissioner of Patents and Trademarks

Eleanor Sorbello

Box PCT

Washington, D.C. 20231

Facsimile No. (703)305-3230

Telephone No. 703-308-0190

Form PCT/ISA/210 (second sheet) (July 1998)